

AUG 10 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.: 09/736,354
Applicant: Leonard Sadjadi
Filed: Dec. 14, 2000
TC/AU: 2636
Examiner: La, Anh V.

Docket No.: I.SUI-27,721US
Cust. No.: 31,782

I hereby certify that this correspondence is being sent via
facsimile to the Commissioner for Patents at (571) 273-8300
on Aug. 10, 2005.

Name of Faxer: Mark W. Handley

Signature: 

Date of Signature: Aug. 10, 2005

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

**PETITION UNDER 37 CFR § 1.182
FOR ENTRY OF REVOCATION AND APPOINTMENT OF
POWER OF ATTORNEY BY LESS THAN ALL OWNERS**

Applicant, L.S. Unico, Inc. ("UNICO"), Assignee of a 50% interest of record in the application, petitions for entry of the attached Revocation And Appointment of Power of Attorney, attached as Exhibit A.

Attached as Exhibit B is a document entitled "Patent Application Assignment," dated December 13, 2000, in which Mr. Leonard Sadjadi, sole inventor of the present application and sole officer of UNICO, assigned a 50% interest in the invention to UNICO and a 50% interest to Micrin Technologies Corporation ("MICRIN"). The Assignment is recorded on Reel 011366 and Frame 0447.

The basis for Petitioner's request is that the attorneys acting under the initial inventor's Declaration and Power of Attorney are of a law firm representing interests adverse to those of UNICO, both in filing the Petitions Under 37 C.F.R. 1.313 on July 12, 2005 and July 18, 2005

and in representing MICRIN in State Court Litigation against UNICO. The Petitions Under 37 C.F.R. 1.313 filed on July 12, 2005 and July 18, 2005 seeking to prevent issuance of the application as U.S. Patent No. 6,919,810 on July 19, 2005 were filed without authority from UNICO, and after the attorneys in the law firm representing MICRIN received written revocation of any previous power of attorneys in the application on behalf of UNICO, discharging MICRIN's attorneys from acting on behalf of UNICO.

Petitioner herewith adopts for the Statement of Facts of the present Petition that set forth in Exhibit C, entitled "Declaration of Leonard Sadjadi."

Petitioner alleges that there is good and sufficient cause to grant entry of the attached Revocation and Power of Attorney on behalf of UNICO. MICRIN has refused to cooperate with UNICO regarding its obligations and agreements for the instant Application. See Exhibits C and F. Mr. Sadjadi and UNICO filed suit against MICRIN on March 16, 2005, and in response MICRIN answered, inclusive of filing counterclaims which often accompany a vigorous defense to such lawsuits. See Exhibit F. Exhibit F is provided to evidence the contentious litigation currently pending between Mr. Sadjadi and UNICO, as plaintiffs, and MICRIN, as defendant, and is composed of copies of the pleadings for Civil Action No. CC-05-03170-A, in the County Court At Law of Dallas County, Texas, ("State Court Litigation"). Exhibit F consists of documents entitled "Plaintiff's Original Petition," "Defendant's Original Answer," and "Defendant Micrin Technologies Corporations's First Amended Answer and Counterclaim."

In the State Court Litigation, Mr. Sadjadi and UNICO are claimants to ownership of the 50% interest originally assigned to MICRIN in the Assignment of Exhibit B. Mr. Sadjadi and UNICO are seeking to void the Assignment of Exhibit B which granted the 50% interest of

record in the application to MICRIN. *See* Exhibit F, in Plaintiff's Original Petition, on page 8, paragraph 6, in which Plaintiffs UNICO and Leonard Sadjadi have prayed for relief that would declare as void the Assignment dated December 13, 2000 of Exhibit B. Although such claims of the pending State Court Litigation have yet to be resolved in a final judgment, if granted by the State Court will give Mr. Sadjadi and UNICO together the entire interest in the invention of the Application. Also noted in the Declaration of Leonard Sadjadi is a statement that Mr. Sadjadi's entire interest in the invention is to be assigned to UNICO, pending the judgment of the State Court.

The two Petitions filed July 12, 2005 and July 18, 2005 were filed solely on behalf of MICRIN, and are pursuing only the interests of MICRIN, to the detriment of the rights of UNICO, and its sole officer Mr. Sadjadi, the sole inventor in the instant Application. This is evidenced by the two Petitions filed July 12, 2005 and July 18, 2005 seeking withdrawal from issuance and abandonment of the present application. An Office Decision favorable to the later Petition resulted in denying grant of the application U.S. Patent No. 6,919,810 on July 19, 2005, preventing enforcement of allowed claims as of July 19, 2005, both against MICRIN and against third parties which might presently infringe such claims. Such actions seeking to destroy the benefit of issuance of the present application as U.S. Patent No. 6,919,810 on July 18, 2005 were in clear transgression of the rights and wishes of UNICO, and its sole officer.

The only document appointing power of attorney to MICRIN's attorneys in the instant patent application is a document entitled "Declaration and Power of Attorney for Patent Application," which was dated the same date as the Patent Application Assignment, and was an appointment by Mr. Sadjadi, as inventor, granting power of attorney. The record does not

include an appointment of power of attorney from either MICRIN or UNICO to MICRIN's attorneys. Instead, the record includes a revocation of grant of power of attorney on behalf of UNICO, which although the Office voided the Notice of Acceptance thereof mailed November 19, 2003, the document filed did provide a written revocation to MICRIN's attorneys of any grant of authority to act on behalf of UNICO. *See* Exhibit D, which is the Revocation And Appointment Of Power Of Attorney And Statement Under 37 C.F.R. §3.73(b) received by the Office on October 17, 2003.

MICRIN's attorneys were aware of the revocation and new representation of UNICO in the instant Application at least as early as 2003. The Office mailed the Notice Regarding Change of Power of Attorney to MICRIN's attorneys on November 19, 2003. *See* Exhibit E.

MICRIN's attorneys received UNICO's written revocation of the original grant of power of attorney from the inventor in the Declaration and Power of Attorney. Whether or not the Revocation and Appointment of Power of Attorney received by the Office on October 17, 2003 is officially entered as a record power of attorney in the instant Application, MICRIN's attorneys were aware of the document and its revocation of the grant of authority to act on behalf of UNICO, discharging MICRIN's attorneys for acting for UNICO. Knowledge of the revocation document is evidenced by the Petition Under 37 C.F.R. 1.313 filed July 12, 2005, in which The Revocation and Appointment of Power of Attorney received by the Office on October 17, 2003 was filed as Exhibit C thereof. Although the U.S. Patent & Trademark Office Decision of July 2005 stated that the power of attorney in the Application reverted back to the Declaration and Power of Attorney of the inventor filed with the Application, the Petition Under 37 C.F.R. 1.313 filed July 18, 2005 seeking to withdraw the application from issuance and expressly abandon the

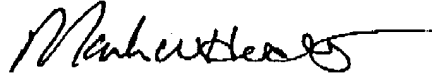
application was filed on behalf of less than all record owners of the application. The Petition Under 37 C.F.R. 1.313 of July 18, 2005 filed was filed after receiving notice of the written revocation of authority to act on behalf of UNICO, to the detriment of UNICO, and Mr. Sadjadi as the sole officer of UNICO. Mr Sadjadi is also the sole inventor in the present Application, who whose grant of the original power of attorney is the authority on which MICRIN bases its authority to take such action. See Exhibit C and the Petition Under 37 C.F.R. 1.313 filed July 18, 2005.

Petitioners request entry of the attached Revocation And Appointment Of Power Of Attorney Petitioner on behalf of UNICO, record owner of a 50% interest in the invention of the present Application. MICRIN's attorneys acting under the initial inventor's Declaration and Power of Attorney are of a law firm representing interests adverse to those of UNICO, in filing the Petitions Under 37 C.F.R. 1.313 on July 12, 2005 and July 18, 2005 and in the State Court Litigation against UNICO. The Petitions Under 37 C.F.R. 1.313 filed on July 12, 2005 and July 18, 2005 were filed without authority from UNICO, after revocation of any such authority previously granted by the inventor was expressly revoked in writing by UNICO, discharging MICRIN's attorneys from acting on behalf of UNICO. The written revocation by UNICO was received by the law firm filing the Petitions Under 37 C.F.R. 1.313, prior to filing such petitions. The granting of the Petition of July 18, 2005 which prevented the present application as being granted as U.S. Patent No. 6,919,810 on July 19, 2005 was directly adverse to the interests and wishes of UNICO.

The \$400.00 Petition Fee for entry of the present document are submitted in the attached Form PTO-2038 for payment by credit card.

Respectfully submitted,

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MWH/lv

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